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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 09/940,722 | 08/27/2001 | Ronald A. Schachar | PRES06-00217 | 5803 |
| 7590 Docket Clerk P.O. Drawer 800889 Dallas, TX 75380 | 05/16/2008 | | EXAMINER WILLSE, DAVID H | |
| | | | ART UNIT 3738 | PAPER NUMBER |
| | | | MAIL DATE 05/16/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 09940722 | 8/27/01 | SCHACHAR, RONALD A. | PRES06-00217 |

EXAMINER

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

Dave Willse

ART UNIT PAPER

3738 20080512

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

/Dave Willse/
Primary Examiner, Art Unit 3738

The reply filed on February 4, 2008, is not fully responsive to the prior Office Action because of the following omissions or matters:

The amendments to the previously presented claims do not comply with 37 CFR 1.121 in that claim 1, for example, appears to be rewritten relative to claim 1 as presented on August 9, 2007, whereas claim 71, for example, appears to be rewritten relative to claim 71 as presented on February 6, 2007, in view of the underlining and strikethrough. Because the amendment of February 4, 2008, is **not** being entered (for reasons provided below), an amendment responsive to the instant communication must be made relative to the amendment of August 9, 2007, in compliance with 37 CFR 1.121. (The amendments to claims 61 and 74 are acceptable to the examiner in overcoming the first noted omission or matter listed in the Office action of December 31, 2007.)

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The Applicant argues that the Amendment of February 4, 2008, with the additional claims, should be entered as a matter of right. The statement “[a] reply that is supplemental to a reply that is in compliance with § 1.111(b) will not be entered as a matter of right” does **not** imply the statement that “a reply that is supplemental to a reply that is *not* in compliance with § 1.111(b) *will* be entered as a matter of right”, and no provision exists in 37 CFR 1.111 or MPEP § 714.03(a) for the latter statement. Moreover, the Office action of December 31, 2007, does not

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rely upon 37 CFR 1.111(b) in determining that the reply of August 9, 2007, is not fully responsive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is 571-272-4762 and who is generally available Monday, Tuesday, and Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**/Dave Willse/
Primary Examiner
Art Unit 3738**